

Remarks

In the Office Action dated August 02, 2004, the Examiner objected to the drawings, and rejected claims 3, 4 and 6 under 35 U.S.C. § 112, second paragraph (sic), claims 1[[-]] and 5 under 35 U.S.C. § 112, second paragraph, claims 1, 2 and 5 under 35 U.S.C. § 102 as being anticipated by Nakagawa (U.S.P.N. 4,324,313), and Adamson (U.S.P.N. 6,581,719), and claims 3, 4 and 6 under 35 U.S.C. § 103 as being unpatentable over Nakagawa.

With respect to the Examiner's rejections, the Examiner is requested to consider the following remarks.

By this paper Applicant has amended the drawings in order to define the two elements of Acoustic transducer and Mouth termination. Fig. 4 has been expanded onto two pages for added clarity of the preferred embodiment. Reference numerals **80** and **90** have been added. Support for the amendment to Figure 4 can be found, for example, in the specification on page 3, l. 16-17 - page 9, ll. 4-7.

The specification has been amended, in particular, the table on page 5 "Reference Numerals in the Drawings" by the addition of the reference numbers **80**, **85** and **90** as so defined.

Claims 1, 3 and 4 are amended thereby obviating the rejections under 35 U.S.C. § 112, second paragraph.

All claim rejections which are based on a lack of "antecedent basis" are further resolved by the proposed amendment to the drawings. As such, the rejections under 35 U.S.C. § 112, second paragraph should be withdrawn.

Claim 1 was rejected as being indefinite for the use of the term "approximate". While deleting it would be acceptable to the examiner the applicant prefers the replacement of the term "substantially"

Claims 1 and 4 are rejected as being anticipated by Nakagawa (U.S. 4,324,313). However, the Examiner has mischaracterized Nakagawa. In particular, Nakagawa does not

Amendments to the Drawings:

The attached sheets 1/5 - 5/5 of drawings includes changes to Fig. 4. These sheets, which include Figs. 1-5, replace the original sheets 1/4 - 4/4.

Attachment: Replacement Sheets

teach the use of elliptic cylinder or Prolate spheriodal bounding surfaces. He never mentions these coordinates and specifically defines his bounding surfaces as being “An exponential horn” in his Abstract and claims 1 and 2. One of ordinary skill in the art would understand that an exponential horn’s bounding surface is not the same as either the elliptic cylinder or Prolate spheriodal surfaces.

Claims 1 and 4 are also rejected as being anticipated by Adamson (U.S. 6,581,719). Adamson also does not teach the combined use of elliptic cylinder and Prolate spheriodal bounding surfaces. He quotes my own work by mentioning these coordinate surfaces (where I should note in Col. 2 L. 45 – 60, that Adamson refers to incorrect figure numbers in his specification) but he does not teach the manner or desirability of combining the specific set of elliptic cylinder and Prolate spheriodal as currently defined in my claims as a result of the change made to the usage of two sections as opposed to only one. In Adamson in Col. 3 , ll. 18-35 discloses two coordinate systems separately but does not disclose, teach or discuss the possibility or desirability of combining them in a single device.

The examiner quotes Adamson Col. 10, ll. 17-30 as teaching the use of an elliptic cylinder waveguide and a Prolate spheriodal waveguide. However, the Examiner has mischaracterized Adamson. In particular, Adamson discloses any [one] of the waveguide configurations may be used as the secondary waveguides, however, Adamson does not teach the combined use of these two sections.

Regarding claims which depend from the independent claims, Applicant contends that these claims are patentable for at least the same reasons that the independent claims are patentable. Moreover, Applicant contends that these claims recite further limitations, in addition to the limitations of the independent claims, which render these claims additionally patentable.

Consequently, in view of these remarks, Applicant respectfully contends that the rejections have been fully replied to and traversed, and that the application is in condition for allowance, and the Examiner is respectfully requested to pass this case to issue. No fee is believed to be due for the filing of this paper.

The Examiner is requested to telephone the undersigned to discuss prompt resolution of any remaining issues necessary to place this case in condition for allowance.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Earl R. Geddes". The signature is fluid and cursive, with the first name "Earl" being more prominent.

EARL R. GEDDES

Date: November 2, 2004

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Enclosure: Replacement Drawings